

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION**

REGINALD HEARD)	NO. 5:21-CV-00076-EEF-KDM
)	
)	
VERSUS)	JUDGE ELIZABETH E. FOOTE
)	
)	
AMIN CARTER AND USA TRUCKING, INC.)	MAG. JUDGE KAYLA D. MCCLUSKY
)	

**RULE 12(b)(4) and 12(b)(5) MOTION TO DISMISS, OR,
ALTERNATIVELY, MOTION TO QUASH SERVICE**

NOW INTO COURT through undersigned counsel comes, USA TRUCK, INC. and AMIN CARTER, sought to be made Defendants herein and improperly referred to as “USA Trucking, Inc.” in the *Complaint* (Doc. 1), who, for the reasons set forth in the attached Memorandum, move for an Order dismissing Plaintiffs’ claims against them. Plaintiff has failed to timely and properly serve Amin Carter and USA Truck, Inc. with the Summons and Complaint within 90 days of filing of the Complaint in accordance with Fed R. Civ. P. 4(c)(1) and 4(m).

WHEREFORE, Defendants pray that their *RULE 12(b)(4) and 12(b)(5) MOTION TO DISMISS, OR, ALTERNATIVELY, MOTION TO QUASH SERVICE* be GRANTED and that this Honorable Court issue an order dismissing Plaintiff’s claims. Alternatively, Defendants move to quash the Summons Return (Doc. 7) on USA Truck, Inc. for the same reasons set forth in the attached Memorandum.

Respectfully submitted,

/s/ Trent P. Roddy

GUY D. PERRIER, T.A. #20323

TRENT P. RODDY, #29404

DUSTIN L. POCHÉ, #33451

Perrier & Lacoste, LLC

One Canal Place

365 Canal Street, Suite 2550

New Orleans, Louisiana 70130

gperrier@perrierlacoste.com

troddy@perrierlacoste.com

dpoche@perrierlacoste.com

Tel: (504) 212-8820

Fax: (504) 212-8825

**ATTORNEYS FOR DEFENDANTS,
USA TRUCK, INC. AND AMIN CARTER**

CERTIFICATE OF SERVICE

I hereby certify that the foregoing pleading has been delivered to all counsel of record, either through the CM/ECF system, depositing a copy of same in the United States mail, first class postage prepaid, by hand delivery or by facsimile transmission, this **15th** day of **July, 2021**, at their last known address of record.

/s/ Trent P. Roddy

TRENT P. RODDY